

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Todd S. Humphrey,	:	
Plaintiff,	:	
	:	
v.	:	File No. 1:08-CV-100
	:	
Steve Lavoie, George Bush,	:	
Jeb Bush, Gregory Pitts,	:	
Irving Stecklare, Ned	:	
Nick, Travis Rowe,	:	
Defendants.	:	

OPINION AND ORDER
(Paper 1)

Plaintiff Todd Humphrey, proceeding *pro se*, seeks to file a complaint against various defendants including members of a Nazi group, corrections officers and President George Bush. He has moved to proceed *in forma pauperis*. After reviewing Humphrey's claims, and for reasons set forth more fully below, it is clear that the complaint is frivolous and that the case must be DISMISSED.

When a court reviews an application to proceed *in forma pauperis*, 28 U.S.C. § 1915 mandates that it conduct an initial screening to ensure that the complaint has a legal basis. See 28 U.S.C. §§ 1915(e)(2), 1915A(a) & (b). A court must dismiss the complaint *sua sponte* if it determines that the allegations of poverty are untrue or if the action is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §§ 1915(e)(2), 1915A(b).

Humphrey's filings in this case contain a series of allegations suggesting that, through "psychic skill," he has been able to see "duplicates" of himself and others. These duplicates, at times referred to as "serume cyanide duplicates," are often victims of violent acts at the hands of prison guards, Nazi party members and others. Among these acts was the "bludgeoning" to death of Humphrey's own duplicate.

Humphrey further alleges that he awoke one morning to see, again through his psychic powers, President Bush and Governor Jeb Bush "in the Control Room" of a Vermont correctional facility causing two women to "wince in pain." Humphrey claims and that he and his wife are in danger of harm at the hands of members of the "masonic fraternity," and that masonic lore will keep him from being able to vote or hold a job. For relief, he seeks a restraining order preventing the defendants from, among other things, engaging in "masonic lore kidnapping" and putting his wife into "white slave traffic."

An action is "frivolous" when either "the 'factual contentions are clearly baseless,' such as when allegations are the product of delusion or fantasy" or "the claim is 'based on an indisputably meritless legal theory.'" Nance v. Kelly, 912 F.2d 605, 606 (2d Cir. 1990) (quoting Neitzke v. Williams, 490 U.S. 319, 327 (1989)). Humphrey's allegations

of psychic powers, duplicate beings, and violent acts are clearly delusional and must be dismissed as frivolous. Leave to amend will not be granted, as any effort to amend these claims would be futile. See Hom Sui Ching v. United States, 298 F.3d 174, 180 (2d Cir. 2002).

This case is DISMISSED, and Humphrey's motion to proceed *in forma pauperis* is DENIED as moot. The dismissal will be considered a "strike" for purposes of 28 U.S.C. § 1915(g).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 7th day of May, 2008.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge